

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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|-------------------------------------|---|------------------|
| PATRICIA L. CARLIN et al.,          | : |                  |
|                                     | : |                  |
| Plaintiffs,                         | : | 24-CV-8435 (JMF) |
|                                     | : |                  |
| -v-                                 | : | <u>ORDER</u>     |
|                                     | : |                  |
| UNITED HEALTHCARE INSURANCE COMPANY | : |                  |
| OF NEW YORK, INC. et al.,           | : |                  |
|                                     | : |                  |
| Defendants.                         | : |                  |
|                                     | : |                  |

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JESSE M. FURMAN, United States District Judge:

On April 10, 2025, Defendants UnitedHealthcare Insurance Company of New York, Inc. and UnitedHealth Group Incorporated (“United”) filed a motion to dismiss the Amended Complaint under Rule 12(b) of the Federal Rules of Civil Procedure. Although Plaintiffs have already amended the complaint once as a matter of course, ECF No. 22, because leave to amend should be “freely” granted “when justice so requires,” the Court grants Plaintiffs leave to amend to address the issues raised in the motion to dismiss. Fed. R. Civ. P. 15(a)(2).

Accordingly, it is hereby ORDERED that Plaintiffs shall file any amended complaint by **May 1, 2025**. Pursuant to Local Civil Rule 15.1, available at <https://www.nysd.uscourts.gov/rules>, any amended complaint should be filed with a redline showing all differences between the original and revised filings. Plaintiffs will not be given any further opportunity to amend the complaint to address issues raised by the motion to dismiss.

If Plaintiffs do amend, by three (3) weeks after the amended complaint is filed, United shall: (1) file an answer; (2) file a new motion to dismiss; or (3) file a letter on ECF stating that it relies on the previously filed motion to dismiss. If United files an answer or a new motion to dismiss, the Court will deny the previously filed motion to dismiss as moot. If United files a new

motion to dismiss or indicates that it relies on its previously filed motion to dismiss, any opposition shall be filed within fourteen days, and any reply shall be filed within seven days of any opposition.

If no amended complaint is filed, Plaintiffs shall file any opposition to the motion to dismiss by **May 1, 2025**. United's reply, if any, shall be filed by **May 8, 2025**.

The deadline for Defendants National Government Services, Inc. and Novitas Solutions, Inc. ("MAC Defendants") to respond remains the same. That is, regardless of whether Plaintiffs file a second amended complaint, MAC Defendants have until **May 26, 2025**, to (1) answer the operative complaint; (2) file a new motion to dismiss; or (3) inform the Court that they rely on the previously filed motion to dismiss the original Complaint, ECF No. 15. *See* ECF No. 38.

SO ORDERED.

Dated: April 11, 2025  
New York, New York



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JESSE M. FURMAN  
United States District Judge